

REMARKS

This Preliminary Amendment is being filed in response to the final Official Action of October 29, 2007, and concurrent with a Request for Continued Examination (RCE). The final Official Action rejects Claims 29-31 under 35 U.S.C. § 112, second paragraph, for being indefinite; the Official Action asserting an antecedent basis issue with the recitation "group header identifier." The Official Action rejects Claims 1, 5, 7, 8, 12, 14, 15, 19, 21, 22, 26 and 28 under 35 U.S.C. § 102(b) as being anticipated by PCT Application No. WO 99/56431 to Hansen et al. The Official Action then rejects Claims 6, 13, 20 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of U.S. Patent No. 6,438,123 to Chapman; and rejects the remaining claims, namely Claims 4, 11, 18, 25 and 29-32 (noting that the Official Action does not in fact include a detailed rejection of Claim 32, although it includes recitations similar to those of Claims 29-31), as being unpatentable over Hansen in view of U.S. Patent No. 6,542,504 to Mahler et al.

In response, Applicants have amended the claims to further clarify the claimed invention, including amending Claims 29-32 to more clearly provide antecedent basis for the aforementioned recitation. Accordingly, Applicants respectfully submit that the rejection of Claims 1-12 under § 112, second paragraph, is overcome. And as explained further below, Applicants respectfully submit that the claimed invention is patentably distinct from Hansen, Chapman and Mahler, taken individually or in combination. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 1, 5, 7, 8, 12, 14, 15, 19, 21, 22, 26 and 28 are Patentable

Again, Hansen discloses a communication terminal that forwards a data request to a server. As disclosed, the request comprises an identification of the requested data and a communication terminal identification number provided to the server. In this regard, the server recalls stored data format information associated with the communication terminal identification number. Chapman discloses a packet network that supports packet header suppression. As

disclosed, suppressed packet headers are appended with stored headers after they are received by a receiving node.

According to one aspect of the present invention, as reflected by amended independent Claim 1, a method is recited that includes receiving a resource request for a resource at a network entity, where the resource request includes a group header identifier. The method also includes identifying at least one header field associated with the group header identifier at the network entity, and processing the resource request in accordance with the header field(s) associated with the group header identifier. The method further includes associating the header field(s) with the group header identifier at the network entity, and before receiving the resource request for the resource. In this regard, associating the header field(s) with the group header includes receiving an earlier request at the network entity from a terminal, where the earlier request includes at least one header field and a call for associating the header field(s) with a group header identifier; associating the header field(s) with a group header identifier; and sending the group header identifier to the terminal. And as now amended, the network entity is otherwise configured, in instances in which a resource request is received without a group header identifier or call, to process the resource request independent of any group header identifier or without associating any header field with any group header identifier. Support for this amendment may be found at least at page 12, lines 1-3 of the present application.

As explained in response to the first Official Action, in contrast to amended independent Claim 1, Hansen (as well as Chapman – and now Mahler) does not teach or suggest the terminal sending a request including a call for associating one or more header fields with a group header identifier. In response, the final Official Action includes the following:

... [R]eading the claims in the broadest possible manner, the claim only indicates that there must be a request from the terminal to the network entity and that the request must contain some sort of call to associate the header field and identifier. Reading it broadly this implies as long as there is a request that results in the association being performed meets [sic] the limitation of the claim. As seen in Figure 3, if the network entity receives a request without an ID already present, it stores the header, and associates that header with a new ID. In this context any request not containing the terminal identification number can be considered a call to associate the header field with a group header identifier.

Final Official Action of Oct. 29, 2007, page 8.

Initially, Applicants note that the Examiner appears to have impermissibly written the "call" recitation out of independent Claim 1. That is, independent Claim 1 explicitly recites a request including header field(s) and an object directing the association of header field(s) with a group header identifier (i.e., a call for associating the at least one header field with a group header identifier). In rejecting independent Claim 1, however, the Examiner interprets a request without a particular object (i.e., terminal identification number) as corresponding to the recited request including an object based on some allegation that the two requests result in a network entity performing the same function. Even if one could argue (although expressly not admitted) that the network entity performs the same or a similar function, however, the earlier request of independent Claim 1 is not the same as the cited request of Hansen.

Notwithstanding the foregoing, to further clarify the claimed invention, Applicants have amended independent Claim 1 to recite that the network entity is otherwise configured, in instances in which a resource request is received without a group header identifier or call, to process the resource request independent of any group header identifier or without associating any header field with any group header identifier, which is also absent from any teaching or suggestion of Hansen. As noted above and following the interpretation of Hansen proffered in the final Official Action, the server processes a request with an unknown identification (the identification allegedly a group header identifier; the request with the unknown identification allegedly a call) by generating a terminal identification and storing the header of the request associated with the generated identification (again, allegedly a group header identifier). In accordance with amended independent Claim 1, on the other hand, the network entity is configured to process a request without a group header identifier (allegedly a terminal identification) or call (request with an unknown identification) independent of any group header identifier or without associating any header field with any group header identifier.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 4-7 and 29, is patentably distinct from Hansen. Applicants also respectfully submit that amended independent Claims 8, 15 and 22 recite subject matter similar to that of amended independent Claim 1, including a request from a terminal including a call to associate header(s) with a group header identifier, and the network entity or processor being configured to

process any request without a group header identifier or call. Applicants therefore respectfully submit that amended independent Claims 8, 15 and 22, and by dependency Claims 11-14, 18-21, 25-28 and 30-32, are also patentably distinct from Hansen for at least the same reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1, 5, 7, 8, 12, 14, 15, 19, 21, 22, 26 and 28 as being anticipated by Hansen is overcome.

B. Dependent Claims 4, 11, 18, 25 and 29-32 are Patentable

The final Official Action rejects Claims 4, 11, 18, 25 and 29-32 as being unpatentable over Hansen in view of Mahler. Applicants respectfully submit, however, that Mahler does not cure the defects of Hansen. That is, even considering Mahler, neither Hansen nor Mahler, taken individually or in combination, teach or suggest sending a request including a call for associating one or more header fields with a group header identifier, and the network entity or processor being configured to process any request without a group header identifier or call, similar to the claimed invention. Accordingly, Applicants respectfully submit that the claimed invention is patentably distinct from Hansen and Mahler, taken individually or in any combination, for at least the same reasons provided above with respect to amended independent Claims 1, 8, 15 and 22. Additional reasons follow.

1. Dependent Claims 4, 11, 18 and 25

Further, as explained in response to the first Official Action, dependent Claim 4 (and similarly dependent Claims 11, 18 and 25) recites receiving a subsequent request at the network entity from the terminal, where the subsequent request includes the group header identifier and an alternative at least one header field; and overwriting the header field(s) associated with the group header identifier to thereby associate the alternative header field(s) with the group header identifier. The final Official Action concedes that Hanson fails to teach or suggest this feature, but alleges that the feature is found in Mahler, and that it would have been obvious to one skilled in the art to modify Hanson to include the feature of Mahler to teach the respective claims. Applicants respectfully disagree.

Dependent Claim 4 (and similarly Claims 11, 18 and 25) explicitly recites receiving a subsequent request including the group header identifier and an alternative at least one header field, and overwriting the header field(s) associated with the group header identifier to thereby associate the alternative header field(s) with the group header identifier. These dependent claims therefore recite replacing one or more header fields associated with a particular group header identifier with one or more alternative header fields. Mahler may disclose a profile (having a profile ID) for packet header information, as well as negotiation and renegotiation of that profile to change one or more parameters, but as noted in the final Official Action, renegotiation of a profile involves negotiating a new profile with a new profile ID. See Mahler, col. 21, 40-44 (Server 170 then renegotiates the profile ... by submitting ... a message to Server 160 with a new profile identifier value"); and col. 21, lines 57-58 ("Notice that the profile ID has changed and is one greater than the previous profile identifier value.").

Therefore, in contrast to dependent Claim 4 (and similarly Claims 11, 18 and 25), Mahler does not teach or suggest that for a group header identifier, one or more header fields may be overwritten with one or more alternative header fields. Instead and following the Official Action's interpretation of a profile ID corresponding to a group header identifier (expressly without admission as to the accuracy of this interpretation), Mahler at best discloses that renegotiating a profile between two servers involves replacing one profile ID with another, new profile ID. Similar to independent Claim 1, the Examiner appears to be changing the explicit recitations of dependent Claim 4 (and similarly Claims 11, 18 and 25) to fit the cited references by alleging that although Mahler does not disclose the aforementioned feature, Mahler nonetheless meets the recitations since Mahler's profile ID "equates the terminal with the header information." Even if one could argue that Mahler's profile ID (again, expressly without admission) equates a terminal with header information, Applicants respectfully submit that this still does not equate to replacing one or more header fields of a group header identifier with one or more alternative header fields, as per Claims 4, 11, 18 and 25.

2. *Dependent Claims 29-32*

Amended dependent Claim 29 (and similarly amended dependent Claims 30-32) recites that the header field(s) and respective value(s) are associated with the group header identifier. The method, then, further includes receiving a subsequent request at the network entity from the terminal, where the subsequent request includes the group header identifier and at least one associated header field with an alternative at least one respective value. In addition, the method includes overwriting the value(s) of the header field(s) associated with the group header identifier to thereby associate the header field(s) and the alternative respective value(s) with the group header identifier. This feature is also admittedly absent from Hansen, but attributed to Mahler. But for at least the same reason that Mahler does not teach or suggest replacing one or more header fields of a group header identifier with one or more alternative header fields, as per Claims 4, 11, 18 and 25, Mahler also does not teach or suggest replacing the values of one or more header fields of a group header identifier with one or more alternative values, as per Claim 29 (and similarly Claims 30-32)

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 4, 11, 18, 25 and 29-32 as being unpatentable over Hansen in view of Mahler is overcome.

C. *Claims 6, 13, 20 and 27 are Patentable*

The final Official Action rejects Claims 6, 13, 20 and 27 as being unpatentable over Hansen in view of Chapman. Applicants respectfully submit, however, that Chapman does not cure the defects of Hansen. That is, even considering Chapman, neither Hansen nor Chapman, taken individually or in combination, teach or suggest sending a request including a call for associating one or more header fields with a group header identifier, similar to the claimed invention, and the network entity or processor being configured to process any request without a group header identifier or call, similar to the claimed invention. Accordingly, Applicants respectfully submit that the claimed invention is patentably distinct from Hansen and Chapman, taken individually or in any combination.

Appl. No.: 10/672,977
Filed: September 26, 2003
Amendment Dated February 27, 2008

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 6, 13, 20 and 27 as being unpatentable over Hansen in view of Chapman is overcome.

CONCLUSION

In view of the amendments to the claims and the remarks presented herein, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30654594v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 27, 2008.